

UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE United States Patent and Trademark Office Address COMMISSIONER OF PATENTS AND TRADEMARKS PO Box 1450 Alexandra, Virginia 22313-1450 www.usplo.gov

APPLICATION NO. FILING DATE FIRST NAMED INVENTOR ATTORNEY DOCKET NO. CONFIRMATION NO. 09/529,458 04/13/2000 JAY M. SHORT DIVER1380-1 5257 7590 06/03/2003 LISA A HAILE **EXAMINER** GARY CARY WARE & FREIDENRICH KATCHEVES, KONSTANTINA T 4365 EXECUTIVE DRIVE **SUITE 1600** ART UNIT PAPER NUMBER SAN DIEGO, CA 92121 1636 30

DATE MAILED: 06/03/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Application No. 99:523-959 Fire MAILING DATE of this communication appears on the cover sheet with the correspondence address. Fire MAILING DATE of this communication appears on the cover sheet with the correspondence address. Another Mailing DATE of this communication appears on the cover sheet with the correspondence address. A SHORTENED STATUTORY PERIOD FOR REPLY IS SETTO EXPIRE 3 MONTH(S) FROM A SHORTENED STATUTORY PERIOD FOR REPLY IS SETTO EXPIRE 3 MONTH(S) FROM A SHORTENED STATUTORY PERIOD FOR REPLY IS SETTO EXPIRE 3 MONTH(S) FROM A SHORTENED STATUTORY PERIOD FOR REPLY IS SETTO EXPIRE 3 MONTH(S) FROM A SHORTENED STATUTORY PERIOD FOR REPLY IS SETTO EXPIRE 3 MONTH(S) FROM A SHORTENED STATUTORY PERIOD FOR REPLY IS SETTO EXPIRE 3 MONTH(S) FROM A SHORTENED STATUTORY PERIOD FOR REPLY IS SETTO EXPIRE 3 MONTH(S) FROM A SHORTENED STATUTORY PERIOD FOR REPLY IS SETTO EXPIRE 3 MONTH(S) FROM Is set to the second statutory of the coverage of the second statutory and second	Application No. Section Summary Section Su		Applicant(s)		
Office Action Summary Frame MAILING DATE of this communication appears on the cover sheet with the correspondence address The MAILING DATE of this communication appears on the cover sheet with the correspondence address The MAINING DATE OF THIS COMMUNICATION A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM MONTH STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM MONTH STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH STATUTORY PERIOD FOR REPLY IS SET TO	Office Action Summary Frame MALING DATE of this communication appears on the cover sheet with the correspondence address 15:36		Application No.	SHORT, JAY M.	Of Early County County County
The MAILING DATE of this communication appears on the Cover sheet with the correspondence authors s- The MAILING DATE of this communication appears on the Cover sheet with the correspondence authors s- The MAILING DATE OF THIS COMMUNICATION	The MAILING DATE of this communication appears on the cover sheet with the correspondence address		09/529,458	Art Unit	
A SHORTEND STATUTORY A SHORTEND STATUTORY THE MAILING DATE OF THIS COMMUNICATION T	A SHORTEND STATUTORY		Examiner	1636	ress
A SHORTEND STATUTORY A SHORTEND STATUTORY THE MAILING DATE OF THIS COMMUNICATION T	A SHORTEND STATUTORY	Action Summary	Konstantina Katcheves	t with the correspondence	
SHORTENED STATUTORY THE MAILING DATE OF THIS COMMUNICATION THIS	ASHORTENED STATUTORS OF MUNICAL INC. ASHORTENED STATUTORS OF THIS Company and the processors of a control status, and the processors of a control status of the processors of the processors of a control status of the processors of the	Office Acres	n appears on the cover snee	- rpom	
SHORTENED STATUTORY THE MAILING DATE OF THIS COMMUNICATION THIS	SHORTENED STATUTORS COMMUNICATIONS (1) Capitally Provided the Communication of the Communicat	DATE of this communication	rvoire	3 MONTH(S) FROM	
SHORTENED STATUTORS OF THIS COMMUNICAL INC. THE MAILING DATE OF THIS CO	SHORTEND STATUTORY A SHORTEND STATUTORY THE MILLING DATE OF THIS COMMUNICATION THE	The MAILING DATE	REPLY IS SET TO EAT THE	may a reply be timely filed	alv
Status 1 2 2 2 3 3 3 5 4 5 3 3 3 3 3 4 5 3 3 3 3 3 3 3 3 3	Status 1 2 2 2 3 3 2 3 3 4 5 3 3 3 3 4 5 3 3 3 3 4 5 3 3 3 3 3 4 5 3 3 3 3 3 4 5 3 3 3 3 3 3 3 3 4 5 3 3 3 3 3 3 3 3 3	A SHORTENED STATUTORY FLIMMUNICA' A SHORTENED STATUTORY FLIMMUNICA' THE MAILING DATE OF THIS COMMUNICA' Extensions of time may be available under the provisions of 37 Extensions of time may be available under the provisions of 37 Extensions of time may be available under the provisions of 37 If NO NONTHS from the mailing date of this communication of the period for reply specified above is less than thirty (30) de 31 If NO period for reply is specified above, the maximum statutor if NO period for reply will all the period for reply will are specified above. The provision of the period for reply will are set of extended period for reply will be set of extended period for reply	TON. 7 CFR 1.136(a) In no event, now you can be a compared to the statutory minimum ays, a reply within the statutory minimum ays, a reply within the statutory minimum ays, a reply within the statutory of the statute, cause the application to be by statute, cause the application to be the mailing date of this communication of the mailing date of this communication. The statutory of the statut	n of thirty (30) days will be will go date of this (6) MONTHS from the mailing date of this come ABANDONED (35 U S C § 133) come ABANDONED, and the come and the	to the merits is
2a) ☐ This action is in condition for all and some this application is in condition for all and some this application is in condition for all and some closed in accordance with the practice under Exparte Quayron closed in accordance with the practice under Exparte Quayron. Disposition of Claims 4) ☐ Claim(s) 16:20 and 22:49 islare pending in the application. 4a) Of the above claim(s) islare withdrawn from consideration. 4a) Of the above claim(s) islare withdrawn from consideration. 5) ☐ Claim(s) 16:20:22:33 and 36:45 islare rejected. 6) ☐ Claim(s) 34:36:46:47 islare objected to. 7) ☐ Claim(s) 34:36:46:47 islare objected to. 8) ☐ Claim(s) 34:36:46:47 islare objected to. Application Papers Application Papers 10) ☐ The specification is objected to by the Examiner. 10) ☐ The drawing(s) filed on islare: all accepted or by dispersive the Examiner. 10) ☐ The drawing(s) filed on islare: all accepted or by dispersive by the Examiner. 11) ☐ The proposed drawing correction filed on is. all approved by dispersive by the Examiner. 12) ☐ The oath or declaration is objected to by the Examiner. 12) ☐ The oath or declaration is objected to by the Examiner. 12) ☐ The oath or declaration is objected to by the Examiner. 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f). 11] ☐ Certified copies of the priority documents have been received in this National Stage. 21] ☐ Certified copies of the priority documents have been received in this National Stage. 22] ☐ Certified copies of the priority documents have been received in this National Stage. 23] ☐ The translation of the foreign of the priority documents have been received in this National Stage. 24] ☐ The translation of the foreign of the priority documents have been received in this National Stage. 24] ☐ The translation of the foreign of the priority documents have been received in this National Stage. 25] ☐ Acknowledgment is made of a claim for domestic puter.	2a) ☐ This action is I'm condition for all of a location is some this application is in condition for all of a location is some this application is in condition for all of the process of application. Disposition of Claims 4) ☐ Claim(s) 16-20 and 22-49 is/are pending in the application. 4a) Of the above claim(s) is/are withdrawn from consideration. 4a) Of the above claim(s) is/are withdrawn from consideration. 5) ☐ Claim(s) 16-20-22-33 and 36-45 is/are rejected. 6) ☐ Claim(s) 34-35-46-47 is/are objected to. 7) ☐ Claim(s) 34-35-46-47 is/are objected to. 8) ☐ Claim(s) 34-35-46-47 is/are objected to. 7) ☐ Claim(s) 34-35-46-47 is/are objected to. 8) ☐ Claim(s) 34-36-46-47 is/are objected to. 8) ☐ Claim(s) 34-36-46-47 is/are objected to. 10) ☐ The pecification is objected to by the Examiner. 9) ☐ The pecification is objected to by the Examiner. 10) ☐ The drawing(s) filed on is/are: all accepted or b) ☐ objected to by the Examiner. 11) ☐ The proposed drawing correction filed on is: all approved b) ☐ disapproved by the Examiner. 12) ☐ The proposed drawings are required in reply to this Office action. 12 ☐ The oath or declaration is objected to by the Examiner. 12 ☐ The oath or declaration is objected to by the Examiner. 12 ☐ The oath or declaration is objected to by the Examiner. 13 ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f). 14 ☐ Certified copies of the priority documents have been received in this National Stage. 15 ☐ Acknowledgment is made of a claim for domestic plant. 16 ☐ The translation of the totals. 17 ☐ The translation of the totals. 18 ☐ The translation of the totals. 19 ☐ The translation of the totals. 19 ☐ The translation of the totals. 10 ☐ The translation of the totals. 11 ☐ Certified copies of the priority documents have been received in this National Stage.	Status	This action is non-fir	nai.	to the
11) The proposed drawing corrected framings are required in reply to this of approved, corrected drawings are required in reply to this of the priority under 35 U.S.C. §§ 119 and 120 Priority under 35 U.S.C. §§ 119 and 120 Priority under 35 U.S.C. §§ 119 and 120 13) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f). 13) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f). 13) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f). 13) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f). 14) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f). 14) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f). 15) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).	11) The proposed drawing corrected in reply to this of the priority under 35 U.S.C. § 119(a)-(d) or (f). 12) The oath or declaration is objected to by the Examiner. 12) The oath or declaration is objected to by the Examiner. 12) The oath or declaration is objected to by the Examiner. 12) The oath or declaration is objected to by the Examiner. 13) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f). Priority under 35 U.S.C. §§ 119 and 120 Priority under 35 U.S.C. §§ 119 and 120 None of: a) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f). Priority under 35 U.S.C. §§ 119 and 120 Notice of Informal Patent Application (f). Priority under 35 U.S.C. §§ 119(a)-(d) or (f). Priority under 35 U.S.C. §§ 11	This action is 1 This action is 1 Since this application is in condition closed in accordance with the practice of Claims Disposition of Claims 4) Claim(s) 16-20 and 22-49 is/are per series of the above claim(s) is/are allowed 5) Claim(s) 48 and 49 is/are allowed 6) Claim(s) 16-20,22-33 and 36-45 is/are object of claim(s) 34, 35, 46, 47 is/are object of claim(s) are subject to respect to the subject to respect to the subject of claim(s) are subject to respect to the subject of claim(s) are subject to respect to the subject of claim(s) are subject to the subject of claim(s) are subje	ending in the application. /are withdrawn from consider. /s/are rejected. /sected to. /striction and/or election required by the Examiner. /s/are: a) accepted or b)	uirement. objected to by the Examiner. be held in abeyance. See 37 CF	. 05(0)
If approved, corrected drawings are required. 12) The oath or declaration is objected to by the Examiner. 12) The oath or declaration is objected to by the Examiner. 13) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f). Priority under 35 U.S.C. §§ 119 and 120 Priority under 35 U.S.C. §§ 119(a)-(d) or (f). Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f). Priority under 35 U.S.C. §§ 119 and 120 Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f). Priority under 35 U.S.C. §§ 119 and 120 Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f). Priority under 35 U.S.C. §§ 119 and 120 Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f). Priority under 35 U.S.C. §§ 119 and 120 Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f). Priority under 35 U.S.C. §§ 119 and 120 Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f). Acknowledgment is made of the priority documents have been received. Acknowledgment is nade of the priority documents have been received in Application No. Acknowledgment is nade of the priority documents have been received. Acknowledgment is nade of the priority documents have been received. Acknowledgment is nade of the priority documents have been received. Acknowledgment is nade of a claim for documents have been received. Acknowledgment is nade of a claim for documents have been received. Acknowledgment is nade of a claim for documents have been received. Acknowledgment is nade of a claim for documents have been received. Acknowledgment is nade of a claim for documents have been received. Acknowledgment is nade of a claim for documents have been received. Ackno	11) The proposed of the proposed of the priority documents have been received. 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f). Priority under 35 U.S.C. §§ 119 and 120 Priority under 35 U.S.C. §§ 119 and 120 Priority under 35 U.S.C. §§ 119 and 120 13) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f). 13) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f). 13) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f). 14) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f). 15) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(a)-(d) or (f). 16) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(a)-(d) or (f).	Training College	Lin reply to this	office action.	
Priority under 35 U.S.C. §§ 119 and 120 Priority under 35 U.S.C. §§ 119 and 120 13) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(u) E. Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(u) E. Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(u) E. Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(u) E. Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(u) E. Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(u) E. Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(u) E. Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(u) E. Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(u) E. Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(u) E. Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(u) E. Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(u) E. Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(u) E. Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(u) E. Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(u) E. Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(a)-(u) E. Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(a)-(u) E. Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(a)-(u) E. Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(a)-(u) E. Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(a)-(u) E. Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(a)-(u) E. Acknowledgment is made of a claim for domestic priority under 35	Priority under 35 U.S.C. §§ 119 and 120 Priority under 35 U.S.C. §§ 119 and 120 13) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(a) and a claim for	The proposed and	s are required		
Priority under 33 Cross Acknowledgment is made of a claim for the state of the priority documents have been received. a) All b) Some * c) None of: a) Certified copies of the priority documents have been received in Application No. Certified copies of the priority documents have been received in this National Stage 2. Certified copies of the priority documents have been received in this National Stage 2. Certified copies of the priority documents have been received in this National Stage 2. Certified copies of the priority documents have been received in this National Stage 3. Certified copies of the priority documents have been received in this National Stage 4. Certified copies of the priority documents have been received in this National Stage 2. Certified copies of the priority documents have been received in this National Stage 3. Certified copies of the priority documents have been received in this National Stage 4. Certified copies of the priority documents have been received in this National Stage 4. Certified copies of the priority documents have been received in Application No. Acknowledgment is made of the priority documents have been received in this National Stage 4. Certified copies of the priority documents have been received in this National Stage 4. Certified copies of the priority documents have been received in Application No. Acknowledgment is made of a claim for domestic priority documents have been received in this National Stage 4. Certified copies of the priority documents have been received in this National Stage 4. Certified copies of the priority documents have been received in this National Stage 4. Certified copies of the priority documents have been received in this National Stage 4. Certified copies of the priority documents have been received in this National Stage 4. Certified copies of the priority documents have been received in this National Stage 4. Certified copies of the priority documents have been received in this National Stage 4. Certified copies	Priority under 39 0.0 Acknowledgment is made of a claim for a cla	If approved, och	ected to by an	5118C 8 119(a)-(d)	or (t).
Priority under 33 Cross Acknowledgment is made of a claim for the state of the priority documents have been received. a) All b) Some * c) None of: a) Certified copies of the priority documents have been received in Application No. Certified copies of the priority documents have been received in this National Stage 2. Certified copies of the priority documents have been received in this National Stage 2. Certified copies of the priority documents have been received in this National Stage 2. Certified copies of the priority documents have been received in this National Stage 3. Certified copies of the priority documents have been received in this National Stage 4. Certified copies of the priority documents have been received in this National Stage 2. Certified copies of the priority documents have been received in this National Stage 3. Certified copies of the priority documents have been received in this National Stage 4. Certified copies of the priority documents have been received in this National Stage 4. Certified copies of the priority documents have been received in Application No. Acknowledgment is made of the priority documents have been received in this National Stage 4. Certified copies of the priority documents have been received in this National Stage 4. Certified copies of the priority documents have been received in Application No. Acknowledgment is made of a claim for domestic priority documents have been received in this National Stage 4. Certified copies of the priority documents have been received in this National Stage 4. Certified copies of the priority documents have been received in this National Stage 4. Certified copies of the priority documents have been received in this National Stage 4. Certified copies of the priority documents have been received in this National Stage 4. Certified copies of the priority documents have been received in this National Stage 4. Certified copies of the priority documents have been received in this National Stage 4. Certified copies	Priority under 35 O.C. Acknowledgment is made of a claim for a cl	12) The oath of 665	120	under 35 0.3.5.3	
1. Certified copies of the priority documents have been received in this received. 2. Certified copies of the priority documents have been received in this received. 2. Certified copies of the priority documents have been received. 3. Certified copies of the priority documents have been received in this received. 4. Certified copies of the priority documents have been received in this received. 5. Certified copies of the priority documents have been received in this received. 6. Certified copies of the priority documents have been received in this received. 6. Certified copies of the priority documents have been received in this received. 6. Certified copies of the priority documents have been received in this received. 6. Certified copies of the priority documents have been received in this received. 6. Certified copies of the priority documents have been received in this received. 6. Certified copies of the priority documents have been received in this received. 6. Certified copies of the priority documents have been received in this received. 6. Certified copies of the priority documents have been received in this received. 6. Certified copies of the priority documents have been received in this received. 6. Certified copies of the priority documents have been received. 6. Certified copies of the priority documents have been received in this received. 6. Certified copies of the priority documents have been received in this received. 6. Certified copies of the priority documents have been received. 6. Certified copies of the priority documents have been received. 6. Certified copies of the priority documents have been received. 6. Certified copies of the priority documents have been received. 6. Certified copies of the priority documents have been received. 6. Certified copies of the priority documents have been received. 6. Certified copies of the priority documents have been received. 6. Certified copies of the priority documents have been received. 6. Certified copies of the prior	1. Certified copies of the priority documents have been received in this value of the certified copies of the priority documents have been received in this value of the certified copies of the priority documents have been received in this value of the certified copies of the priority documents have been received in this value of the certified copies not received. 2. Certified copies of the priority documents have been received in this value of the certified copies not received. 3. Certified copies of the priority documents have been received in this value of the certified copies not received. 3. Certified copies of the priority documents have been received in this value of the certified copies not received. 3. Certified copies of the priority documents have been received in this value of the certified copies not received. 3. Certified copies of the priority documents have been received in this value of the certified copies not received. 3. Certified copies of the priority documents have been received in this value of the certified copies not received. 3. Certified copies of the priority documents have been received in this value of the certified copies not received. 3. Certified copies of the priority documents have been received in this value of the certified copies not received. 4. Certified copies of the priority documents have been received in this value of the certified copies of the priority documents have been received in this value of the certified copies of the priority documents have been received in this value of the certified copies of the priority documents have been received. 4. Certified copies of the priority documents have been received. 4. Certified copies of the priority documents have been received. 4. Certified copies of the priority documents have been received. 4. Certified copies of the priority documents have been received. 4. Certified copies of the priority documents have been received. 4. Certified copies of the priority documents have been received.	munder 33 o.c	of a claim ior		
a) The translation of the toreign displacement of the tore	a) The translation of the toreign of general photology and the state of a claim for domestic photology and interview Summary (PTO-413) Paper Noisi 15) Acknowledgment is made of a claim for domestic photology and interview Summary (PTO-413) Paper Noisi Acknowledgment is made of a claim for domestic photology and interview Summary (PTO-413) Paper Noisi Acknowledgment is made of a claim for domestic photology and interview Summary (PTO-413) Paper Noisi Acknowledgment is made of a claim for domestic photology and interview Summary (PTO-413) Paper Noisi Acknowledgment is made of a claim for domestic photology and interview Summary (PTO-413) Paper Noisi Acknowledgment is made of a claim for domestic photology and interview Summary (PTO-413) Paper Noisi Acknowledgment is made of a claim for domestic photology and interview Summary (PTO-413) Paper Noisi Acknowledgment is made of a claim for domestic photology and interview Summary (PTO-413) Paper Noisi Acknowledgment is made of a claim for domestic photology and interview Summary (PTO-413) Paper Noisi Acknowledgment is made of a claim for domestic photology and interview Summary (PTO-413) Paper Noisi Acknowledgment is made of a claim for domestic photology and interview Summary (PTO-413) Paper Noisi Acknowledgment is made of a claim for domestic photology and interview Summary (PTO-413) Paper Noisi Acknowledgment is made of a claim for domestic photology and interview Summary (PTO-413) Paper Noisi Acknowledgment is made of a claim for domestic photology and interview Summary (PTO-413) Paper Noisi Acknowledgment is made of a claim for domestic photology and interview Summary (PTO-413) Paper Noisi Acknowledgment is made of a claim for domestic photology and interview a	a) Acknowledgment a a) All b) Some * c) 1 Certified copies of the Certified copies of the	None of: ne priority documents have the priority documents have fied copies of the priority do the International Bureau l	been received. been received in Application local perceived in the comments have been received in the comments have been received. PCT Rule 17.2(a)). Contributed copies not received.	No in this National Stage (to a provisional application
Notice of Draftsperson Stratementics (PTO: 44 P) Office Action Summary Office Action Summary	And the constant Spates Constant Consta	14) Acknowledgment is made 15) Acknowledgment is made	ne toreign angulation and de of a claim for domestic P	interview Summar Notice of Informal	y (PTO-413) Paper Nots) Patent Application (PTO-152)

Art Unit: 1636

DETAILED ACTION

Claims 16-20 and 22-49 are pending in the present application. This Office action is in response to Paper No. 29, filed 17 March 2003 and Paper No. 27, filed 5 December 2003.

Continued Prosecution Application

The request filed on 5 December 2002 for a Continued Prosecution Application (CPA) under 37 CFR 1.53(d) based on parent Application No. 09/529458 is acceptable and a CPA has been established. An action on the CPA follows.

Response to Amendment

The rejection of claim 48 under 35 USC §112, first paragraph has been withdrawn in view of Applicant's amendment filed 5 December 2003.

The rejection of claims 16-20 and 22-35 under 35 USC §112, 2nd has been withdrawn in view of Applicant's amendment filed 5 December 2003.

Claims 16-20, 22-33 and 36-45 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Erickson et al in view of Short et al (WO 97/04077) and Horikoshi for the reasons already of record.

Claims 16-20, 22-32 and 36-47 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Erickson et al in view Stein et al (1996 J. Bact. 178:591-599) and Horikoshi unpatentable over Erickson et al in view Stein et al (1996 J. Bact. 178:591-599) and Horikoshi unpatentable over Erickson et al in view Stein et al (1996 J. Bact. 178:591-599) and Horikoshi unpatentable over Erickson et al in view Stein et al (1996 J. Bact. 178:591-599) and Horikoshi unpatentable over Erickson et al in view Stein et al (1996 J. Bact. 178:591-599) and Horikoshi unpatentable over Erickson et al in view Stein et al (1996 J. Bact. 178:591-599) and Horikoshi unpatentable over Erickson et al in view Stein et al (1996 J. Bact. 178:591-599) and Horikoshi unpatentable over Erickson et al in view Stein et al (1996 J. Bact. 178:591-599) and Horikoshi unpatentable over Erickson et al in view Stein et al (1996 J. Bact. 178:591-599) and Horikoshi unpatentable over Erickson et al in view Stein et al (1996 J. Bact. 178:591-599) and Horikoshi unpatentable over Erickson et al in view of Patanjali et al (1991 Proc. Natl.

Art Unit: 1636

Claims 16-20, 22-33 and 36-45 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Erickson et al in view of Short et al (WO 97/04077) and Horikoshi, and further in view of Mendelsohn et al (Curr. Op. in Biotech. 1994 5:482-486.

Response to Arguments

Claims 16-20, 22-33 and 36-45 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Erickson et al in view of Short et al and Horikoshi. Claims 16-20, 22-32 and 36-47 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Erickson et al in view Stein et al. and Horikoshi, and further in view of Patanjali et al.

Applicant's arguments have been noted; however, they are not found persuasive. The art rejections are maintained as Applicant's arguments are not persuasive. Applicant argues that a prima facie case for obviousness has not been set forth and Erickson et al is deficient as a reference. Applicant's argument regarding the prima facie case for obviousness is similar to that set forth in the amendment field 20 August 2001, which was already addressed and found not persuasive in the rejection mailed 6 November 2001.

Applicant argues that Erickson et al, the primary reference in the art rejections, is deficient. Applicant states that Erickson et al does teach or suggest a molecule from a library generated from a mixed population of organisms and does not teach identification of a third molecule responsible for inhibiting interaction between a first and second molecule wherein all throw molecules are encoded by the same nucleic acid source. This is not persuasive as Erickson

e ... interaction between

a first and second motecture whetevalled the production

including genomic libraries.

Page 4

Application/Control Number: 09/529,458

Art Unit: 1636

Generating a library from a mixed population of organisms is taught by both Stein et al and Short et al. Motivation to use the libraries of mixed populations of organisms in the method of Erickson et al. comes both from the prior art, Horikoshi, and from the knowledge of one of ordinary skill in the art. Furthermore, while Erickson et al does not teach that all three interacting molecules are encoded by the same nucleic acid source, the pending claims are not restricted to that embodiment alone. Therefore, this argument is also not persuasive.

Applicant also argues that Patanjuli et al. does not teach normalization as claimed. It is unclear what exactly Patanjuli et al fails to disclose with respect to normalization of a genomic library. According to Applicant's own arguments on page 11 of their reponse, normalization includes at least one of the steps of (1) amplification and (ii) recovery of a fraction of the isolated DNA. Applicant points to US Patent 6,001,574 for this definition of normalization. First, Applicant should note that each patent is examined on its own merits and the disclosure of the cited patent is not dispositive of this point. Second, a flowchart of the steps for producing a normalized library is shown in Figure 1 of Patanjuli et al., which includes fractionating isolated nucleic acids, amplifying single stranded nucleic acids and cloning them into lambda gt10, an expression vector. Therefore, this argument is also not persuasive because Patanjuli et al. does teach amplification.

Claims 16-20, 22-33 and 36-45 also stand rejected under 35 U.S.C. §103(a) as being unpatentable over Erickson et al in view of Short et al. and Horikoshi, and further in view of Applicant argues that the inclusion of Mendelsohn et al. fails to cure the

Mendelsohn is cited for the use of green fluorescent protein as a detectable gene in two hybrid Art Unit: 1636 methods used to find compounds that modulate protein interactions. See p. 485, first column. It is not cited for the a method for the identification of molecule from a library generated from a mixed population of organisms and does not teach identification of a third molecule responsible for inhibiting interaction between a first and second molecule.

Allowable Subject Matter

Claims 34, 35, 46-47 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims. Claism 48 and 49 are allowable.

Conclusion

This is a continuation of applicant's earlier Application No. 09/529458. All claims are drawn to the same invention claimed in the earlier application and could have been finally rejected on the grounds and art of record in the next Office action if they had been entered in the earlier application. Accordingly, THIS ACTION IS MADE FINAL even though it is a first action in this case. See MPEP \S 706.07(b). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE NONTHS from the mailing date of this action. In the event a first reply is filed within TWO estion is not mailed until after

the end of the THREE-MONTH shouldness sources of

will expire on the date the advisory action is mailed, and any extension fee pursuant to ex-

Art Unit: 1636

CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no, however, event will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Konstantina Katcheves whose telephone number is (703) 305-1999. The examiner can normally be reached on Monday through Friday 7:30 to 4:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Dr. Remy Yucel, Ph.D. can be reached on (703) 305-1998. The fax phone numbers for the organization where this application or proceeding is assigned are (703) 305-3014 for regular communications and (703) 305-7939 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 305-3388.

Konstantina Katcheves May 30, 2003

JAINES KITLER PHIMARY EXAMER